



Crl.O.P.No.10811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.10811 of 2023
and Crl.MP Nos.6825 & 6827 of 2023

Thiru.T.P.Subramanian
Son of Palanisamy
Proprietor Uzhavan Tex 115/42, Cauvery Road
Veerappan Chatram
Erode-638 004.

... Petitioner

Vs.

Tara Jain, F/59
W/o.Hansraj Jain

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in STC No.352 of 2020, pending on the file of the Judicial Magistrate Court cum Fast Track Court No.2, Erode and quash the same.

For Petitioner : Mr.T.M.Karthikeyan

For Respondent : Mr.M.Arvind Kumar

ORDER

This quash petition has been filed by the petitioner on the ground that the Court below had taken cognizance of the complaint based on a power of attorney



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document which does not authorise the agent to file the complaint against the petitioner.

2.Heard Mr.T.M.Karthikeyan, learned counsel for the petitioner Mr.M.Arvind Kumar, learned counsel appearing on behalf of the respondent.

3.It is brought to the notice of this Court that the respondent/complainant had filed two complaints. One complaint was filed against the petitioner herein which was taken on file in STC.No.352 of 2020. The other complaint was filed against Tmt.Shobana, W/o.C.Arun and the same was taken on file in STC.No.233 of 2020. Both these complaints are pending before the Judicial Magistrate cum Fast Track Court No.II, Erode. The power of attorney that was taken into consideration by the Court below at the time of taking cognizance was also placed before this Court and it is seen that the said power of attorney dated 6.3.2020 authorises the agent to file the complaint u/s. 138 of the Negotiable Instruments Act, 1881, against the petitioner. The papers got mixed up and therefore, the power of attorney that was used for the other case in STC.No.233 of 2020, came to be marked in this case in STC.No.352 of 2020.

4.Even if the ground taken by the petitioner is taken to its extreme, there is no illegality committed by the Court below and the mixing up of the power of attorney documents in two related cases is only an irregularity which can always



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be rectified. That cannot be a ground for quashing the complaint in exercise of jurisdiction u/s 482 of Cr.PC.

5.In the light of the above discussion, there shall be a direction to the Court below to mark the correct power of attorney document through PW.1. It is left open to the petitioner/accused to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law.

6.This criminal original petition is disposed of with a direction the learned Judicial Magistrate cum Fast Track Court No.II, Erode, to dispose of STC.No.352 of 2020, within a period of **three months** from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

25.07.2023

KP

Internet: Yes

Index: Yes/No

Neutral Citation: Yes/No

To

1. Judicial Magistrate Court cum
Fast Track Court No.2, Erode.



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N. ANAND VENKATESH, J.
KP

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